

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS JAIME VARGAS ESPINO, *individually*
and on behalf of others similarly situated,

Plaintiff,

- against -

525 GRAND STREET, LLC (D/B/A ALPHONSO'S
PIZZERIA TRATTORIA) and ALPHONSE DIPILATO,

Defendants.

X
Case No: 1:19-CV-00335-JGK
ECF Case

ANSWER
TO COMPLAINT

Defendants, 525 GRAND STREET, LLC (D/B/A ALPHONSO'S PIZZERIA
TRATTORIA) and ALPHONSE DIPILATO (Defendants herein) by their attorneys, Herman &
Beinin, as and for their Answer, allege as follows:

1. Deny the allegations set forth in Paragraphs denominated as "1," "2," "3," "4,"
"7," "8," "9," "10," "12," "13," "14," "20," "22," "23," "24," "25," "26," "27," "28," "29," "30,"
"31," "32," "33," "34," "37," "38," "39," "40," "41," "43," "44," "45," "46," "47," "48," "49,"
"50," "51," "52," "55," "56," "57," "58," "59," "60," "61," "62," "63," "64," "65," "70," "71,"
"73," "75," "77," "84," "85," "87," "85," "87," "89," "91," "93," "95," "96," "98," "102," "104,"
"105," "106," "108," "109," "111," "112," "114," "115," "117," "118," and respectfully refers all
questions of law to the Court.

2. Lack knowledge or information sufficient to form a belief as to the truth of the
allegations set forth in Paragraphs denominated as "5," "6," "19," "35," "42," "53," "81," and
"82."

3. Refers the statutory and legal meaning of the statute to the Court with respect to
the allegations contained in Paragraphs denominated as "11," "15," "16," "17," "18," "21," "36,"

"54," "56," "66," "67," "68," "69," "72," "78," "79," "80," "86," "88," "91," "92," "97," "100," "101," and otherwise denies the claims therein stated.

4. With respect to Paragraph "83" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "82" of the Answer.

5. With respect to Paragraph "90" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "89" of the Answer.

6. With respect to Paragraph "94" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "93" of the Answer.

7. With respect to Paragraph "99" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "98" of the Answer.

8. With respect to Paragraph "103" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "102" of the Answer.

9. With respect to Paragraph "107" of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "106" of the Answer.

10. With respect to Paragraph "110," of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "109" of the Answer.

11. With respect to Paragraph "113," of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "112" of the Answer.

12. With respect to Paragraph "116," of the Complaint, repeats and reiterates as though more fully set forth herein, the responses set forth in Paragraphs "1" through "115" of the Answer.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

13. Improper party Defendants.

WHEREFORE, Defendants respectfully requests the Complaint be dismissed and for such other relief as to this Court deems just, proper and equitable.

Dated: Bellmore, New York
March 18, 2019

Herman & Beinin
Attorneys for Defendants
254 Pettit Avenue
Bellmore, New York 11710
(516) 783-9744

By: Mark D. Herman
Mark D. Herman, Esq.

TO:

MICHAEL FAILLACE & ASSOCIATES, P.C.
Attorneys for Plaintiff
60 East 42nd Street, Suite 4510
New York, New York 10165
(212) 317-1200